

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

Of Counsel:

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at 2 o'clock and 56 min.
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in Civil Nos. CV04-00124,
CV04-00125, CV04- 00126,
CV04-00127, and CV04- 00128

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

<p>SPORTS SHINKO CO., LTD., a Japanese corporation in reorganization, through KEIJIRO KIMURA, its Deputy Trustee,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>QK HOTEL, LLC, a Hawai'i limited liability company,</p> <p style="text-align: center;">Defendant.</p>	<p>) CIVIL NO. CV 04-00124 ACK/BMK</p> <p>PLAINTIFFS' EX PARTE MOTION UNDER L.R. 40.2 TO ASSIGN SIMILAR CASES TO A SINGLE DISTRICT COURT JUDGE;</p> <p>MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF GLENN T. MELCHINGER; ORDER GRANTING PLAINTIFFS' EX PARTE</p> <p>(continued to next page)</p>
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SPORTS SHINKO (USA) CO., LTD., a Delaware corporation,) CIVIL NO. CV 04-00128
Plaintiff,) HG KSC
vs.)
MILILANI GOLF CLUB, LLC, a Hawai'i limited liability company,)
Defendants.)

)

MEMORANDUM IN SUPPORT OF MOTION

I. INTRODUCTION

This Motion involves the above-entitled cases, each filed on February 20, 2004 (the "Cases").

The Cases are brought by two related Plaintiffs,¹ involve related transfers of property, and the general factual background of each of the Cases is the same. Because of the overlap of the

subject matter and legal issues in the Cases, it would be more expeditious to assign them to a single district court judge and magistrate judge.

¹ Plaintiff Sports Shinko Co., Ltd. is the majority owner of Plaintiff Sports Shinko (USA) Co., Ltd.

II. BACKGROUND

The Cases involve transfers of property by various Hawai`i Sports Shinko subsidiaries owned directly or indirectly by the Plaintiffs (the "SS Subsidiaries"). The SS Subsidiaries were each in debt to Plaintiff Sports Shinko (USA), Co., Ltd. or Plaintiff Sports Shinko Co., Ltd. Each of the SS Subsidiaries was insolvent. Each of the SS Subsidiaries transferred substantially all of its property to certain affiliates of KG Holdings, LLC ("KG"). Each of the SS Subsidiaries received less than reasonably equivalent value for its property. Each Case involves claims under the Uniform Fraudulent Transfer Act, Haw. Rev. Stat. Chapter 651C against the KG affiliate transferees of the respective SS Subsidiaries' properties.

III. ARGUMENT

Local Rule 40.2 of the U.S. District Court provides that:

Whenever it shall appear that civil actions or proceedings involve the same or substantially identical transactions, happenings or events, or the same or substantially the same parties or property or subject matter, or the same or substantially identical questions of law, or for any other reason said cases could be more expeditiously handled if they were all heard by the same district judge, then the chief district judge or any other district judge appointed by the chief district judge in charge of the